

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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MARK ANTHONY PAWLICKI,

Plaintiff,

v.

Case No. 10-C-0904

HERBERT G. ROEHRICH, MD,  
DR. ALBA,  
KENNETH H. SMAIL, PHD,  
SAMUEL H. FRIEDMAN, PHD,  
DR. MARLENE D. TRACHSEL, and  
FREDERICK A. FOSDAL, MD,

Defendants.

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**DECISION AND ORDER**

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The plaintiff, Mark Anthony Pawlicki, a state prisoner, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983, and requested leave to proceed *in forma pauperis*. In an order dated October 18, 2010, the court directed the plaintiff to pay an initial partial filing fee of \$4.68 on or before November 8, 2010. The court also gave the plaintiff the opportunity to notify the court by letter if he did not wish to prosecute this action. Now before the court is a letter from the plaintiff regarding his initial partial filing fee.

In his letter, the plaintiff informs the court that he received some additional money in October. He asks that he be allowed to pay the partial filing fee of \$4.68 without the money that he received during October. The money the plaintiff received subsequent to the filing of his complaint does not impact the initial partial filing fee calculated by the court. The court will construe the plaintiff's letter as a request for an extension of time to pay his initial partial filing fee or voluntarily dismiss,

and grant that request. On or before Wednesday, December 8, 2010, the plaintiff shall forward to the Clerk of Court the sum of \$4.68 to pay the initial partial filing in this action. In the alternative, the plaintiff should inform the court by letter by that date if he no longer wishes to prosecute this civil action. If the plaintiff writes such a letter, this case will be dismissed without prejudice and he will not incur a “strike” under § 1915(g).

**NOW THEREFORE IT IS ORDERED** that the plaintiff’s request for an extension of time to pay the initial partial filing fee for this action (Docket #8) be and hereby is **Granted**; and

**IT IS FURTHER ORDERED** that on or before **Wednesday, December 8, 2010**, the plaintiff shall forward to the Clerk of Court the sum of \$4.68 to pay the initial partial filing in this action.

Dated at Milwaukee, Wisconsin this 15th day of November, 2010.

BY THE COURT:

s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge